



**DESOTO COUNTY PLANNING COMMISSION
ORDER OF ITEMS
May 3, 2007**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – March 29, 2007

CONSENT AGENDA

Walker, Leslie (6589) – Application is for final subdivision approval of one (1) lot on 1.5 acres. Subject property is located north of Byhalia Road and east of Tchulahoma Road in Section 33, Township 2, Range 7 and is zoned Agricultural. (District 5)

Murray, John (6591) – Application is for final subdivision approval of one (1) lot on 5 acres. Subject property is located south of Oak Grove Road and west of Fogg Road in Section 19, Township 3, Range 8 and is zoned Agricultural. (District 4)

Taylor, Carol (6593) – Application is for final subdivision approval of two (2) lot on 9.43 acres. Subject property is located west of Horn Lake Road and south of Church Road in Section 8, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

Shidler, Adam (6594) – Application is for final subdivision approval of one (1) lot on 2.09 acres. Subject property is located south of Brights Road and west of Laughter Road in Section 11, Township 3, Range 7 and is zoned Agricultural. (District 5)

Motley, Charles (6595) – Application is for final subdivision approval of two (2) lot on 8.52 acres. Subject property is located south of Spring Creek Road and east of Rankin Road in Section 30, Township 3, Range 9 and is zoned Agricultural. (District 4)

Linville, Larry (6596) – Application is for final subdivision approval of one (1) lot on 1.5 acres. Subject property is located east of Highway 305 and south of Stewart Road in Section 15, Township 2, Range 6 and is zoned Agricultural-Residential. (District 1)

Clayton- Ross (6597) – Application is for final subdivision approval of two (2) lots on 3 acres. Subject property is located east of Highway 305 and south of Holly Springs in Section 26, Township 3, Range 6 and is zoned Agricultural. (District 1)

Linville Minor S/S (6600) – Application is for final subdivision approval of two (2) lots on 3 acres. Subject property is located north of Nolan Road and east of Highway 305 in Section 15, Township 2, Range 6 and is zoned Agricultural-Residential. (District 5)

FINAL SUBDIVISION

Nikki Lakes 1st Revision (6590) – Application is for final subdivision approval of 3 lots on 3.75 acres. Subject property is located west of Tulane Road and north of Laverne, in Section 21, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

REZONING

Cross Gates (691) - Application is to rezone 20.5 acres from Agricultural-Residential to R-30- Overlay. Subject property is located south of College Road and north of Dunn Road, in Section 16, Township 2, Range 6 and is zoned Agricultural-Residential. (District 5)

PRELIMINARY SUBDIVISION

Kuntz Farms (6587) – Application is for preliminary subdivision approval of 81 lots on 161.15 acres. Subject property is located north of Byhalia Road and southwest of Fairhaven Road, in Sections 33, Township 2, Range 5 and is zoned Agricultural. (District 1)

Vaiden Heights (6588) – Application is for preliminary subdivision approval of 35 lots on 72.5 acres. Subject property is located south of Vaiden Road and west of Craft Road, in Sections 7, Township 3, Range 6 and is zoned Agricultural. (District 5)

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, May 3, 2007, in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present included: Pat Hefley, Leonard Lindsey, Joe Forsythe, Frank Calvi, Robin James, Jimmy Maxwell, Len Lawhon, Julius Cowan, Mike Robison, and Wade Carter. Planning Commission Staff present included Jim McDougal, Matt Hanks, Kristen Duggan, and Mr. Jody Neyman, DeSoto County Attorney.

After the invocation, Mr. Carter asked if there were any additions or deletions from the Minutes of the Planning Commission meeting held on March 29, 2007. There were none. Mr. Lindsey then made a Motion to approve the minutes. Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote.

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Mr. Hanks announced the Consent Agenda. He then announced the above items and stated that the minor lots conform to the DeSoto County Zoning and Subdivision Regulations and are ready for approval, subject to dedication of road right of way, and health department approval.

He also explained to the board that Hidden Hills was heard at the March 1, 2007 meeting, and they have met all concerns that were addressed by the Planning Commission.

Mr. Maxwell made a Motion to approve the consent agenda with staff recommendations. Mr. Calvi seconded the Motion. The Motion was passed by a unanimous vote.

FINAL SUBDIVISION

Nikki Lakes 1st Revision (6590) – Application is for final subdivision approval of 3 lots on 3.75 acres. Subject property is located west of Tulane Road and north of Laverne, in Section 21, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

Mr. Hanks presented the application, staff report and comments to the Planning Commission for Nikki Lakes 1st revision. He then introduced Mr. Ben Smith to represent this application.

Mr. McDougal began by stating that this is a unique situation because the three lots are less than 1.5 acres. The Desoto County Zoning Regulations allows for this in cases where central water is provided, but this subdivision consists of all 1.5 acres lots.

Mr. Carter asked if there were any houses built. Mr. Smith stated that there were four houses currently built, and one in progress. Mr. Carter said that all signatures would be required to revise this plat, and Mr. Smith responded that he was prepared for that.

Mr. McDougal then asked if lots 41 and 43 will access Tulane Road. Mr. Smith said yes, and lot 40 will access from Nikki Lake Drive. Mr. McDougal then asked about right of way dedication. Mr. Smith said that 53 feet of right of way have been dedicated on the plat.

Mr. Lawhon said that while he agrees with what Mr. Smith is doing, he feels that the Planning Commission needs a statute that they can fall back on to allow this. He feels that this would set a precedent and doesn't want to see multiple revisions coming in for financial reasons.

Mr. Smith said that is the lots are not done this way there would be more width than depth due to the 700 foot of frontage.

Mr. Lawhon said that the board has allowed this before with all land owner signatures. He also said that he understands and appreciates his reasons for wanting square lots. He then asked if these lot owners would have access to the lake. Mr. Smith said that they would be part of the Homeowners Association and all members would have access.

Mr. Lawhon made a Motion to approve this revision with lots 40, 41, and 42 being less than 1.5 acres, signatures from all land owners, access to Homeowners Association Lake, and preserving the open space. Mr. Robison seconded the Motion. This Motion was passed by a unanimous vote.

REZONING

Cross Gates (691) - Application is to rezone 20.5 acres from Agricultural-Residential to R-30- Overlay. Subject property is located south of College Road and north of Dunn Road, in Section 16, Township 2, Range 6 and is zoned Agricultural-Residential. (District 5)

Mr. Hanks presented the application, staff report and comments to the Planning Commission for Cross Gates. He then introduced Mr. Greg Russell to represent this application.

Mr. Carter began by asking for Mr. McDougal to explain the concerns with a gated community. Mr. McDougal said that, much like Bone Terre, the main concern were the roads and emergency access. The Board of Supervisors decided to have certain language put on the plat so that the liability for the county is covered.

Mr. James asked if the streets will be built to county specifications. Mr. McDougal replied "yes." Mr. Carter asked about the emergency access. Mr. McDougal said that code or a universal key to access the gate.

Mr. Lawhon then asked if the staff was instrumental in the choice of R-30 Overlay. Mr. McDougal stated that this was a choice of the developers.

Mr. Russell began by stating that this development follows the 2030 Comprehensive plan. Big industrial sites have settled in this area, and there is a need for more residences. Belmor Lakes and Dawkins Farms are located in this area and they have good sells. This subdivision will have a minimum home size of 4500 square feet. It will be very exclusive and it fits well in this area. He then said that it will be a gated community with private roads that will be built to county specifications. As for emergency access, there are many options such as key cards or standard codes. He went on to say that there will be six less lots than originally planned. There will be a total of 22 lots with a minimum lot size of 21,000 square feet. There will be curb and gutter, sidewalks, and landscaping.

There will be documentation provided to show that there is 10% open space. There will also be 53 feet of right of way dedication.

Mr. Robison asked where Dawkins Farms is located in relation to Cross Gates. Mr. Russell said that it is directly across the street in the city of Olive Branch.

Mr. Russell then said that he could not agree to the language regarding gated communities being placed on the plat without the developer's attorney looking at it. Mr. Lawhon then said that the language would have to be approved by the Board of Supervisors. Mr. Russell asked if the developer's attorney could look over the language and come to an agreement with the Board of Supervisors and the board attorney on the language.

Mr. McDougal then asked about the water and sewer lines that would be installed. Mr. Russell replied that they would be built to county regulations.

Mr. Carter asked if there would be a 53 foot dedication off of College Road and Mr. Russell replied "yes."

Mr. Lawhon asked about drainage. Mr. Russell said that it would exit into the detention pond.

Mr. Carter then asked if there was anyone present to speak for or against this application. Mr. James Sparks (8285 College Rd) came forward to speak. He asked what the distance between would be from his property. Mr. Russell said that there would be approximately 38 feet of open space at the narrowest point. He then said that the distance gets larger as it goes south.

Mr. Robison asked what the plans for the open space were. Mr. Russell said that it would be landscaped, but as natural as possible.

Mr. Lawhon said that he feels there is a need for more large homes, and he likes the gated community. He also said that as long as the roads are taken care of and there is emergency access he doesn't see a problem with the development. He then made a Motion to approve the application with the change in the neighborhood being proved with the density of Olive Branch. There will be a special note on the plat approved by the Board of Supervisors regarding the gated community and emergency access. There will also be substantial work being done within 24 months. Mr. Lindsey seconded the Motion. The Motion passed by a unanimous vote.

PRELIMINARY SUBDIVISION

Kuntz Farms (6587) – Application is for preliminary subdivision approval of 81 lots on 161.15 acres. Subject property is located north of Byhalia Road and southwest of Fairhaven Road, in Sections 33, Township 2, Range 5 and is zoned Agricultural. (District 1)

Mr. Hanks presented the application, staff report and comments to the Planning Commission for Kuntz Farms. He then introduced Mr. Ben Smith to represent this application.

Mr. Smith began by stating that this is located on the Kuntz home place. There is an average of 2 acre lots. The homes will be a minimum of 2300 square feet. Mobile homes will not be allowed, and there will be restrictive covenants. There are stub outs for future development. Marshall County is located to the east of the property. He then addressed the length of Cove "D" by stating that there will be very few homes located in this cove.

Mr. Lindsey asked if there would be a Homeowner's Association. Mr. Smith said that there would not be one set up.

Mr. Hanks stated that they are asking for approval of Section A & B only. Section C is not being considered at this time.

Mr. McDougal asked if a road would be built accessing Byhalia Road. Mr. Smith said that there will be a road built, and that will be the main entrance to the subdivision. He said that they will extend the existing road. Mr. Hanks then informed Mr. Smith that Fairview Trail will have to change names when it changes direction. Mr. Smith said that the final plans will reflect the change in direction.

Mr. Carter then asked if there was anyone present to speak for or against this application. There was no one.

Mr. Carter then asked about the drainage ditch running through the development. Mr. Smith said that the lots were designed for the ditch to be at the back of the lots. Mr. Carter then asked about detention. Mr. Smith replied that they would be two acre lots so there is no detention required.

Mr. McDougal asked if the Homeowners would be responsible for the maintenance of the ditches. Mr. Smith said that they would be responsible and that the lots go to the center of the ditch.

Mr. Lawhon stated that there will need to be a note on the plat stating that the ditches will remain open and maintained. Mr. Smith said that they can note that they will not be blocked, but maintenance will be the responsibility of the Homeowner's Association.

Mr. Lindsey made a Motion to approve the application with staff recommendations and a note regarding ditch maintenance as well as no mobile homes. Mr. Robison seconded the Motion. The Motion was passed by a unanimous vote.

Vaiden Heights (6588) – Application is for preliminary subdivision approval of 35 lots on 72.5 acres. Subject property is located south of Vaiden Road and west of

Craft Road, in Sections 7, Township 3, Range 6 and is zoned Agricultural. (District 5)

Mr. Hanks presented the application, staff report and comments to the Planning Commission for Vaiden Heights. He then introduced Mr. Brian Hill to represent this application.

Mr. Robison asked about what is happening with lot 21 and Vaiden Road. Mr. Hill explained that Vaiden Road ends. Mr. Robison then asked if the county would require right of way in front of lot 21. Mr. Hill responded that he would have no problem with that. He then said that everything to the west is floodplain therefore; there is no stub out.

He then went on to say that they are 1.5 acres lot minimums. There will be covenants, but no Homeowner's Association. Mr. Robison then asked if the covenants would state that there will be no mobile homes allowed. Mr. Hill responded "yes." Mr. Carter then stated that he feels there is need for a stub out on the south side of the property. Mr. Hill said that this would not be a problem, but there is one located on the east side less than 500 feet away. Mr. McDougal said that the stub out to the east encourages more development in that direction.

Mr. Carter then stated that lot 15 has flood in it. Mr. Hill said that they plan to make a pond in the back portion of this lot. Mr. Carter then asked if the lots with flood need to be marked on the plat. Mr. McDougal said yes and that he would like for the base flood elevation to be noted on the plat as well. Mr. Hill responded that this would not be a problem.

Mr. Robison made a Motion to approve the application with staff recommendations and the right of way for lot 21 that was discussed. Mr. Cowan seconded the Motion. This Motion was passed by a unanimous vote.

The meeting adjourned at 8:45 p.m. These minutes were recorded and transcribed by Kristen Duggan.

